

Florence, Elaine J CIV NAVSUP FLC Jacksonville, 220

From: Juan Perez <jperez@mcm-gtmo.com>
Sent: Thursday, December 17, 2015 12:52
To: Florence, Elaine J CIV NAVSUP FLC Jacksonville, 220
Cc: Martin Bryant
Subject: [Non-DoD Source] Solicitation No. N68836-16-R-0003
Attachments: GuantanamoBay-MCM-12-17-15.pdf

Dear Ms. Florence,

Attached please find a letter regarding the recent site visit at Naval Station Guantanamo Bay, Cuba and some issues of concern for your information. We look forward to providing a competitive response to the upcoming solicitation and thank you for the opportunity to serve.

Sincerely,

JUAN PEREZ

Director of GTMO Operations

CubaSignature

786-277-1466 USA; 011-5399-90131 NS GTMO Cuba MCM Port Operations-Guantanamo Bay, Cuba

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December 17, 2015

Elaine Florence, Contracting Representative
NAVSUP Fleet Logistics Center, Jacksonville
Naval Air Station Building 110, 3rd Floor
110 Yorktown Road
Jacksonville, FL 32212

Re: Solicitation No. N68836-16-R-0003
Operational and Logistical Support for Guantanamo Bay, Cuba

Dear Ms. Florence:

Munilla Construction Management, LLC ("MCM") has been performing the port operations at Guantanamo Bay, Cuba and is currently performing those operations which are the subject of the above-captioned solicitation. MCM has developed and enjoyed a productive and efficient working relationship with both its employees and the Navy. MCM has invested a considerable amount of time and money in the development of its employees who work on this project. Not surprisingly, MCM has invested in employment agreements with its key personnel to motivate them to perform at the highest levels while assuring their retention. This continuity of top performers benefits both the Navy and MCM.

In the solicitation of these services, MCM is concerned that its competitive position, earned through hard work and judicious use of its resources, is being undermined by people outside the Guantanamo Bay facility. A site visit was recently held regarding the procurement captioned above. Among the contractors was Metson Marine of Ventura, California which we understand operates many of the port operation contracts in the Navy Region Southeast. We understand that Metson Marine's Regional Maintenance Manager RPOC COR from its contract in Navy Region Southeast attended the site visit with Metson Marine. We further understand that Metson Marine's COR and the Navy met privately to discuss the solicitation requirements after MCM's Project Manager disclosed to Metson Marine, that MCM's key personnel had long ago signed employment agreements and would not be providing resumes to other offerors. MCM's employees are hard-working, productive and loyal.

We understand that a vice-president of Metson Marine's eastern region, Mr. Todd Braynard, became upset when he learned of MCM's employment agreements since apparently Metson Marine was intending to poach MCM's employees to secure the competitive advantage that MCM had developed, earned and paid. We understand that he stated that he had knowledge that the Navy favored Metson Marine because of their experience with the new Wheelhouse Maintenance Program that will be required in the new contract, but preferred that the existing Key Personnel stay and that the Navy had a contingency plan to change the PWS for the Key Personnel requirements if the Employment / Non-Compete Agreements not withdrawn. He thereupon threatened the key personnel by stating that their future employment was being jeopardized at Guantanamo Bay if another offeror was awarded the contract, and they would have no jobs if they refused to breach their MCM employment agreements. We understand from our Project Manager that he was advised by Mr. Todd Braynard of Metson

Marine that Metson's Contracting Officer's Representative and Government personnel all met privately (without any other offerors or MCM present) to discuss the issue of MCM's employment agreements and strategies to usurp MCM's earned competitive advantage which insures to the Navy's benefit.

We believe that these private conversations and statements from Metson are highly irregular and Mr. Braynard talked as if he had inside knowledge from the Government side on how they would deal with our employee Employment / Non-Compete Agreements. Traditional conflict of interest provisions provide that a contractor, who assists in preparing a work statement for a solicitation of services, may not compete for that award and is ineligible unless it meets certain requirements which apparently are not present here. See FAR §9.505-2(b). MCM respectfully requests that the Navy not adopt Metson's relaxation of the key personnel requirements which are inconsistent with the Navy's needs for this project and undermine the critical continuity of the key personnel that are successfully performing for this work.

Continuity of services is a valuable characteristic of a successful proposal. See Metson Marine Services, Inc., B-299705.2, 2007 CPD ¶ 150, pp. 3, 5-6 (Navy reasonably downgraded Metson's past performance ratings based on a Metson port operations contract suffering "issues relating to the difficulties experienced by Metson with regard to its personnel levels and continuity of key personnel"; Metson's proposal rated "Marginal" for "Organization and Personnel"). The continuity and quality of personnel is important as the Comptroller General upheld another Navy award for a port operations contract based upon ratings for "Organization and Personnel". See Metson Marine Services, Inc., B-299705, 2007 CPF ¶ 159 (Seaward's lower priced technically acceptable proposal a better value than Metson's technically unacceptable higher priced proposal that was disqualified as its "Organization and Personnel" was unacceptable). These requirements are important and offerors should not be allowed to lobby for relaxing critical Navy requirements that these offerors find difficult to satisfy.

If you should have any questions regarding this letter, please do not hesitate to contact me. MCM believes that a best value procurement is appropriate to assure that the Navy receives the best mix of pricing, committed qualified personnel, continuity of services and other factors important to the port operations at Guantanamo Bay, Cuba. A competitor unfamiliar with this unique base should not be allowed to lobby the Navy to relax and forego these important requirements. Thank you for your attention to this matter and we look forward to submitting an offer which we believe is in the best interests of the Navy to accept.

Sincerely,

MUNILLA CONSTRUCTION MANAGEMENT, LLC



Juan Perez
Director of Guantanamo Operations